

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	AVRAMOFF et al	GROUP ART UNIT.:	1618
SERIAL NUMBER:	10/575,809	CONFIRMATION NO:	5244
FILING DATE:	13 April 2006	EXAMINER:	WESTEBERG, Nissa M

TITLE: STABLE LANSOPRAZOLE FORMULATION

Commissioner for Patents
P.O. Box 1450
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APPEAL BRIEF

Sir:

Applicant has appealed to the Board of Patent Appeals and Interferences from the non-final decision of the Examiner issued on November 23, 2009, rejecting claims 26-32, 34, 36-42, 44, 46, 47, 49, 50, 58 and 59.

In response to the Notice of Panel Decision from Pre-Appeal Brief Review issued March 19, 2010, Applicant respectfully submits herewith their brief on appeal, with two months' late fees and the requisite petition for extension of time thereof.

REAL PARTY IN INTEREST

The present application is owned by Dexcel Ltd, which is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no known appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

JURISDICTIONAL STATEMENT

The Board has jurisdiction under 35 U.S.C. 134(a). The Examiner mailed a non-final rejection on November 23 2009, setting a three-month shortened statutory period for response. However, the claims had already been rejected at least once previously, before the non-final rejection was issued, such that the claims stand as having been at least twice-rejected. The time for responding to the non-final rejection expired on February 23 2010. A notice of appeal and a request for pre-appeal brief conference was filed on February 5 2010. The time for filing an appeal brief is two months after the filing of a notice of appeal or one month after receiving the decision of the pre-appeal brief conference, whichever is later. The conference decision was received on March 23 2010. The time for filing an appeal brief expired on

April 23 2010 but is being extended under 37 CFR 1.136 for two months with the requisite petition and fees. The appeal brief is being filed on June 21 2010, as June 19 2010 was a Saturday.

TABLE OF CONTENTS

Header – page 1.
Statement of Real Party in Interest – page 2.
Related Appeals and Interferences – page 2.
Jurisdictional statement – page 2.
Table of Contents – page 3.
Table of Authorities – page 3.
Status of Claims – page 3.
Status of Amendments – page 4.
Summary of claimed subject matter – page 4.
Grounds of Rejection – page 6.
Statement of Facts – page 7.
Arguments – page 11.
Appendix of Claims – page 21.
EVIDENCE APPENDIX – page 36.
RELATED PROCEEDINGS APPENDIX – page 36.
CERTIFICATE OF SERVICE – page 36.

TABLE OF AUTHORITIES

35 U.S.C. 103(a) – pages 7, 11, 16, 17, 18 and 20.
MPEP 608.01(o) – page 20.
MPEP 2163.05 – page 20.

STATUS OF CLAIMS

Claims 26-32, 34, 36-42, 44, 46, 47, 49, 50, 58 and 59 stand rejected pursuant to a Non-Final Rejection issued November 23, 2009. Claims 1-6, 8,

10-16, 18, 20, 21, 23-25, 51-57 have been withdrawn. Claims 26-32, 34, 36-42, 44, 46, 47, 49, 50, 58 and 59 are presented for appeal.

STATUS OF AMENDMENTS

No amendment was filed after a Non Final Rejection of 23 November 2009.

SUMMARY OF CLAIMED SUBJECT MATTER

With respect to independent claim 26, there is provided a method of administering a therapeutically effective amount of lansoprazole as sole pharmaceutically active ingredient. The method comprises orally administering a stable composition for lansoprazole (see Example 7 on page 16), the composition comprising a substrate, a subcoating layer for coating the substrate, and an enteric layer over the subcoating layer. The substrate comprises lansoprazole or a pharmaceutically suitable salt thereof. The substrate does not include an alkaline agent (see page 3, lines 5-9). The subcoating layer consists essentially of sodium stearate, a cellulosic polymer selected from hydroxypropyl methylcellulose, ethylcellulose and hydroxypropyl cellulose, or a mixture thereof; a filler; a surfactant selected from polysorbate 80 and sodium lauryl sulfate; and a solvent (see page 4, lines 14-30).

With respect to independent claim 27, there is provided a method of administering a therapeutically effective amount of lansoprazole. The method comprises orally administering a stable composition for lansoprazole (Example 7, page 16), the composition comprising a substrate, a subcoating layer for coating the substrate, and an enteric layer over the subcoating layer (page 3, lines 5-9). The substrate comprises lansoprazole or a pharmaceutically suitable salt thereof as a sole pharmaceutically active ingredient (see Example 1 on page 10). The substrate does not include an alkaline agent (see page 3, lines 5-9). The subcoating layer comprises sodium stearate as alkaline agent (see page 4, lines 14-15).

With respect to independent claim 58, there is provided a method of administering a therapeutically effective amount of lansoprazole. The method comprises orally administering a stable composition for lansoprazole (Example 7 on page 16), the composition comprising a substrate, a subcoating layer for coating the substrate, and an enteric layer over the subcoating layer (see page 3, lines 5-9). The substrate comprises an active core containing lansoprazole or a pharmaceutically suitable salt thereof as sole pharmaceutically active ingredient, and a surfactant (Example 1 on page 10 and page 4, lines 7-10). The substrate does not include an alkaline agent

(page 3, lines 3-9). The subcoating layer comprises sodium stearate as alkaline agent (page 4, lines 14-15).

With respect to independent claim 59, there is provided a method of administering a therapeutically effective amount of lansoprazole. The method comprises orally administering a stable composition for lansoprazole (Example 7 on page 16), the composition comprising a substrate, a subcoating layer for coating the substrate, and an enteric layer over the subcoating layer (page 3, lines 5-9). The substrate comprises a neutral core and an active coating layered over the neutral core (page 3, lines 22-24). The active coating contains lansoprazole or a pharmaceutically suitable salt thereof as sole pharmaceutically active ingredient, and a surfactant (Example 1 on page 10, and page 4, lines 7-10). The substrate does not include an alkaline agent (page 3, lines 3-9). The subcoating layer comprises sodium stearate as alkaline agent (page 4, lines 14-15).

The remaining claims exemplify the above features in more detail.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 26-32, 34, 36-40, 42, 44, 46, 47, 49, 50, 58 and 59 are rejected as being obvious under 35 U.S.C. 103(a) over WO 96/24375 to

Depui in view of EP1174136 to Lundberg and U.S. 6,210,712 to Edgren et al.

2. Claims 26-32, 34, 36-42, 44, 46, 47, 49, 50, 58 and 59 are rejected as obvious under 35 U.S.C. 103(a) over WO 96/24375 to Depui in view of EP1174136 to Ludberg and U.S. 6,210,712 to Edgren et al., and further in view of US 2002/0150618 to Napper et al.

3. Claims 26-32, 34, 36, 38-42, 44, 46, 47, 49, 50, 58 and 59 are rejected as obvious under 35 U.S.C. 103(a) over US 2002/0155153 to Depui in view of EP1174136 to Lundberg and U.S. 6,210,712 to Edgren et al.

4. Claims 26-32, 34, 36-42, 44, 46, 47, 49, 50, 58 and 59 are rejected as obvious under 35 U.S.C. 103(a) over US 2002/0155153 to Depui, EP1174136 to Lundberg and U.S. 6,210,712 to Edgren et al. further in view of WO 96/24375 to Depui and US 2002/0150618 to Napper et al.

STATEMENT OF FACTS

Ground 1 of rejection: In the Office Action of March 12, 2009, the Examiner argues that WO '375 discloses an oral, enteric coated dosage form comprising an acid labile proton pump inhibitor useful in the treatment of disorders associated with *Helicobacter* infections, and preparation of a

multilayer dosage form comprising lansoprazole in free base form. The core of the WO '375 dosage form contains a sugar sphere seed (neutral core) coated with lansoprazole, the cellulosic polymer HPMC and water as aqueous solvent. No alkaline material is present in the core. The separating layer comprises the cellulosic polymer HPC, the filler talc, magnesium stearate and the solvent water. An enteric coating layer comprising a methacrylic acid copolymer and the plasticizer triethyl citrate is present in the dosage form. The active ingredient can be mixed with other ingredients such as binders, surfactants and fillers.

The Examiner stated that Depui '375 teaches a formulation which differs from that of the present invention in that a surfactant and filler are present in the same layer as the active ingredient, and which does not disclose the use of sodium stearate in the subcoating layer. The Examiner states that Lundberg discloses use of a surfactant and magnesium stearate in the subcoating layer of a formulation comprising a proton pump inhibitor

The Examiner also referred to Edgren, which, according to the Examiner, discloses that potassium stearate, magnesium stearate and sodium stearate are functionally equivalent.

The Examiner concludes that it would have been obvious to one of ordinary skill in the art to prepare a multi-layer dosage form as disclosed by WO '375 and to use sodium stearate and a surfactant such as polysorbate 80 or sodium lauryl sulfate in the subcoating layer. According to the Examiner, the person of ordinary skill in the art would have been motivated to use sodium stearate, and reasonably would have expected success because WO '375 and Ludgren teach that magnesium stearate can be used in the subcoating layer, and Edgren et al. discloses that magnesium stearate and sodium stearate are functionally equivalent, as they are both lubricants. The rejections were maintained in the Office Action of November 23, 2009.

Ground 2 of rejection: Napper et al. disclose that either lactose monohydrate or anhydrous lactose are suitable directly compressible pharmaceutically acceptable excipients, as stated by the Examiner in the office action of November 23 2009. The Examiner states that it would have been obvious to the person of ordinary skill in the art at the time the invention was made to use lactose monohydrate in the lansoprazole containing pharmaceutical composition taught by Depui WO '375, Lundberg and Edgren et al.

Ground 3 of rejection: The Examiner states in the office action of November 23 2009 that Depui '153 teaches enteric coated tablets of lansoprazole, which are administered one to several times a day to treat gastrointestinal side effects caused by NSAIDs. The core consists of non-pareil cores coated with water, the surfactant sodium lauryl sulfate, lansoprazole and the ceullulosic polymer HPMC. A separating layer comprised of water and ethanol as solvents, the filler talc, the surfactant PEG 6000 and the cellulosic polymer HPMC is applied. An enteric coating of HPMCP, the plasticizers acetyltributyl citrate and cetyl alcohol is applied to the pellets.

As stated by the Examiner, Depui '153 does not explicitly disclose a lansoprazole preparation in which an inorganic or organic basic salt is present in the separating layer, or the inclusion of sodium stearate, polysorbate 80 and/or sodium lauryl sulfate in the subcoating layer.

Lundberg et al discloses a trilayer (active ingredient core, intermediate layer and enteric layer) dosage form containing proton pump inhibitor compounds, according to the Examiner. The Examiner argues that Example 1 teaches a dosage form comprising a separating layer, which includes magnesium stearate as alkaline agent. The Examiner further argues

that Edgren et al disclose that potassium stearate, magnesium stearate and sodium stearate are functionally equivalent.

Ground 4 of rejection: The Examiner states (in the office action of November 23 2009) that Depui '153, Lundberg and Napper et al. teaches a lansoprazole dosage form with an active substrate center that does not contain an alkaline substance; a subcoating layer containing sodium stearate, a cellulosic polymer such as HPMC, a filler, polysorbate 80 or sodium lauryl sulfate as the surfactant, and a solvent; and an enteric coating.

ARGUMENTS

1. Claims 26-32, 34, 36-40, 42, 44, 46, 47, 49, 50, 58 and 59 stand rejected as being obvious under 35 U.S.C. 103(a) over WO 96/24375 to Depui in view of EP1174136 to Lundberg and U.S. 6,210,712 to Edgren et al.

The characterizing feature of the formulation of the present invention is that the substrate is devoid of an alkaline agent, while an alkaline agent is provided in the separating layer. This feature is recited in the claims and is described as detailed in the above Claim Summary. The above references, alone or in combination, do not teach this feature.

The Examiner referred to specific examples of Depui '375 which included magnesium stearate in the subcoating layer, and which the Examiner referred to as an alkaline agent. However, magnesium stearate is referred to in the '375 specification as an example of an additive such as a plasticizer, colorant, pigment, filler, anti-tacking agent or antistatic agent, and is not included in the list of possible alkaline agents given elsewhere in the specification (page 15 throughout). Furthermore, the amount of magnesium stearate is clearly not sufficient to act as anything other than a lubricant; for example, in Example 1 (page 22), the amount of magnesium stearate is less than 2%. In such low quantities, it could not act as an alkalizing agent.

Magnesium stearate is insoluble in ethanol, ether and water, hence cannot be defined as an alkaline agent, in contrast to sodium stearate which is the alkalinizing agent of the instant application, such that the two cannot be considered functionally equivalent as alkalinizing agents. The magnesium stearate in the subcoating layer of the cited art will not change the pH of that layer.

Moreover, the functional equivalence of magnesium stearate and sodium stearate described by Edgren et al. was taught in the context of use

as lubricating agents and not as alkalinizing agents (col 6, lines 35-45). No evidence is offered by the Examiner that magnesium stearate and sodium stearate are functionally equivalent as alkalinizing agents.

It would not be obvious in view of the teachings of the equivalence of the stearates as lubricating agents to use sodium stearate instead of magnesium stearate as alkalinizing agent, which is an entirely different purpose. Applicant has previously submitted evidence in the form of pages from the US Pharmacopeia (provided in the amendment of September 12 2009) showing the differences in solubility between the two stearates, which determine their ability to function as alkalinizing agents. In view of the low solubility of magnesium stearate in water and various organic solvents, this compound cannot be considered to function as an alkalinizing agent, in complete contrast to sodium stearate. Hence, the use of sodium stearate as an alkalinizing agent cannot be considered obvious in view of the use of an entirely different stearate, i.e. magnesium stearate, for an entirely different function, i.e. that of a lubricant.

Furthermore, an alkali is defined as 'any of various water-soluble compounds capable of turning litmus blue and reacting with an acid to form a salt and water', a printed copy of which is attached herewith. Thus, clearly

magnesium stearate cannot be effective as an alkalizing agent; furthermore, none of the references cited by the Examiner or available to Applicant suggest that in fact magnesium stearate could be effective as an alkalizing agent.

In the Office Action dated November 23, 2009, the Examiner maintained that since magnesium stearate and sodium stearate are disclosed as being functionally equivalent as lubricants, they are also functionally equivalent for the role of alkalizing agents. The Examiner states as follows: '*Because sodium stearate and magnesium stearate are slightly different compounds, one of ordinary skill in the art would not expect these two compounds to have exactly the same properties. Applicants arguments about the different properties of the two stearate compounds would be germane if the stated purpose of the stearate ingredient in the cited prior art was to function as an alkaline agent, but that is not the stated purpose of the cited prior art.*'

Applicant finds this argument confusing, as the Examiner is maintaining that these very different stearate compounds, which are taken as being functionally equivalent for one purpose may also be considered equivalent for an entirely different purpose, even though the Examiner

acknowledges that the compounds would not be expected to have exactly the same properties.

Depui '375 does not disclose magnesium stearate as being suitable for use as an alkaline agent in the separating layer, hence following the teaching of Depui '375 in combination with Ludberg and Edgren would not result in the formulation of the present invention.

Additionally, Depui '375 referred to by the Examiner comprises omeprazole and not lansoprazole as active ingredient, as stated throughout the reference, which are not interchangeable.

Furthermore, the active ingredient of the present invention is preferably the base of lansoprazole, whereas Depui '375 discloses the magnesium salt of omeprazole, which is significantly more stable than the base form, and thus does not require an alkalizing agent for stabilization.

Hence, for the reasons detailed above, Applicant considers claims 26-32, 34, 36-40, 42, 44, 46, 47, 49, 50, 58 and 59 to be patently distinct from the Depui '375, Lundberg, Edgren combination.

2. Claims 26-32, 34, 36-42, 44, 46, 47, 49, 50, 58 and 59 stand as being rejected under 35 U.S.C. 103(a) over WO 96/24375 to Depui in view

of EP1174136 to Ludberg and U.S. 6,210,712 to Edgren et al., and further in view of US 2002/0150618 to Napper et al.

As discussed above, Applicant considers all claims of the instant application to be patently distinct from the Depui WO '375, Lundberg, Edgren et al. combination.

Since, as detailed above, combination of the teachings of Depui WO '375, Lundberg and Edgren et al does not result in the formulation of the present invention, which is characterized in that the substrate is devoid of an alkaline agent, while an alkaline agent is provided in the separating layer, the use of lactose monohydrate in such a formulation would similarly not result in the formulation of the present invention.

Hence, Applicant considers claims 26-32, 34, 36-42, 44, 46, 47, 49, 50, 58 and 59 to be patently distinct from the Depui '375, Lundberg, Edgren et al, Napper combination.

3. Claims 26-32, 34, 36, 38-42, 44, 46, 47, 49, 50, 58 and 59 stand rejected under 35 U.S.C. 103(a) over US 2002/0155153 to Depui in view of EP1174136 to Lundberg and U.S. 6,210,712 to Edgren et al.

As discussed in detail above, Applicant respectfully argues that magnesium stearate is not an alkalizing agent. The functional equivalence

of magnesium stearate and sodium stearate described by Edgren et al. was taught in the context of use as lubricating agents and not as alkalinizing agents (citation above). No evidence is offered by the Examiner that magnesium stearate and sodium stearate are functionally equivalent as alkalinizing agents. By contrast and as previously described, Applicant has actually provided evidence that these two agents instead were not functionally equivalent as alkalinizing agents, through a previously provided copy of the relevant entries from the USP (provided in the amendment of September 12 2009), which demonstrated that magnesium stearate is not soluble in water while sodium stearate is soluble in water.

Since, as detailed above, the combination of the teachings of Depui '153, Lundberg and Edgren et al does not result in the formulation of the present invention, which is characterized in that the substrate is devoid of an alkaline agent, while an alkaline agent is provided in the separating layer.

Hence, Applicant considers claims 26-32, 34, 36, 38-42, 44, 46, 47, 49, 50, 58 and 59 to be patently distinct from the Depui '153, Lundberg, and Edgren et al combination.

4. Claims 26-32, 34, 36-42, 44, 46, 47, 49, 50, 58 and 59 stand rejected 35 U.S.C. 103(a) over US 2002/0155153 to Depui, EP1174136 to

Lundberg and U.S. 6,210,712 to Edgren et al. further in view of WO 96/24375 to Depui and US 2002/0150618 to Napper et al.

As discussed in detail above, the subcoating layer of Depui is not taught as containing sodium stearate, but rather magnesium stearate, which is not functionally equivalent as an alkalinizing agent. Hence, the combination of Depui '153, Lundberg and Napper et al does not result in the formulation of the present invention, which is characterized in that the substrate is devoid of an alkaline agent, while an alkaline agent is provided in the separating layer. Further combination of the cited documents with Depui '375 and/or Napper to provide a dosage form comprising lactose as filler in the layer with the lansoprazole would therefore not result in the formulation of the present invention.

Hence, Applicant considers claims 26-32, 34, 36-42, 44, 46, 47, 49, 50, 58 and 59 to be patently distinct from the Depui '153, Lundberg, Edgren, Depui '375 Napper combination.

5. The Examiner has further objected to claims 39 and 40 under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant does not agree as claim 39 refers to an organic basic salt as an additional agent. However

Applicant acknowledges that claim 40 does fail to further limit the subject matter of the previous independent claim 27.

6. The Examiner has rejected claims 26-32, 34, 36-42, 44, 46, 47, 49, 50, 58 and 59 under USC 112, first paragraph as failing to comply with the written description requirement by introducing new matter in the form of the limitation that lansoprazole is "sole pharmaceutically active ingredient". Applicant respectfully traverses this rejection. First, all formulations disclosed in the present application relate to lansoprazole. Second, as described for example in paragraphs 1, 11, 25, 37-39 of the published application, the formulation is described throughout as being a "formulation for lansoprazole". The original claims as filed also recite "a formulation for lansoprazole". Example 7 relates to methods of administration of lansoprazole only. In MPEP 608.01(o), it is stated "an applicant is not limited to the nomenclature used in the application as filed". MPEP 2163.05 states "each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure". Applicant respectfully argues that the limitation of "sole pharmaceutically active ingredient" in relation to lansoprazole is both implicitly and inherently support in the present application for the reasons given above.

Application Serial No.: 10/575,809
Appeal Brief dated 19-June-2010
Reply to Office Action of 19 April 2010
Page 20 of 36

CONCLUSION

Applicant has clearly demonstrated that the present invention as claimed is clearly distinguishable over all the art cited of record, either alone or in combination, and satisfies all requirements under 35 U.S.C 103. Therefore, Applicant respectfully requests the Board of Patent Appeals and Interferences to reverse the rejection of the Examiner and instruct the Examiner to issue a notice of allowance of all claims.

Respectfully submitted,

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APPENDIX OF CLAIMS

1. (Withdrawn) A stable composition for lansoprazole, the composition comprising:

- (a) a substrate, said substrate comprising lansoprazole or a pharmaceutically suitable salt thereof;
- (b) a subcoating layer comprising an alkaline agent; and
- (c) an enteric coating material layered over said subcoating layer;

wherein said substrate is characterized in that said substrate does not include an alkaline agent.

2. (Withdrawn) The composition of claim 1, wherein lansoprazole comprises lansoprazole base.

3. (Withdrawn) The composition of claim 1, wherein said substrate features:

- (i) a neutral core; and
- (ii) an active coating containing lansoprazole, said active coating being layered over said neutral core;

such that the composition is in a form of a pellet.

4. (Withdrawn) The composition of claim 3, wherein said neutral core comprises a non pareil.

5. (Withdrawn) The composition of claim 4, wherein said non-pareil has a range in a size of from about 300 to about 1000 microns.

6. (Withdrawn) The composition of claim 3, wherein said active coating includes at least one cellulosic polymer selected from the group consisting of hydroxypropyl methylcellulose (HPMC) and hydroxypropyl cellulose (HPC), or a mixture thereof.

7. (Canceled)

8. (Withdrawn) The composition of claim 3, wherein said active coating comprises at least one surfactant selected from the group consisting of Tween 80 or sodium lauryl sulfate.

9. (Canceled)

10. (Withdrawn) The composition of claim 3, wherein said active coating further comprises at least one filler.

11. (Withdrawn) The composition of claim 10, wherein said at least one filler comprises a suitable grade of lactose.

12. (Withdrawn) The composition of claim 3, wherein said active coating further comprises an aqueous solvent.

13. (Withdrawn) The composition of claim 1, wherein said alkaline agent in said subcoating layer comprises an organic basic salt.

14. (Withdrawn) The composition of claim 13, wherein said organic basic salt includes at least one of sodium stearate.

15. (Withdrawn) The composition of claim 1, wherein said alkaline agent in said subcoating layer comprises an inorganic basic salt.

16. (Withdrawn) The composition of claim 1, wherein said subcoating layer includes at least one cellulosic polymer selected from the group consisting of hydroxypropyl methylcellulose (HPMC), ethylcellulose and hydroxypropyl cellulose (HPC), or a mixture thereof.

17. (Canceled)

18. (Withdrawn) The composition of claim 1, wherein said subcoating layer comprises at least one surfactant selected from the group consisting of Tween 80 or sodium lauryl sulfate.

19. (Canceled)

20. (Withdrawn) The composition of claim 1, wherein said enteric coating material includes at least one enteric material selected from the group consisting of hydroxypropyl methylcellulose acetate succinate,

polyvinyl acetate phthalate, cellulose acetate phthalate, cellulose acetate trimellitate, polymethacrylic acid methyl methacrylate and polymethacrylic acid ethyl methacrylate.

21. (Withdrawn) The composition of claim 1, wherein said enteric coating material further comprises a plasticizer selected from the group consisting of a citric acid ester and a phthalic acid ester.

22. (Canceled)

23. (Withdrawn) The composition of claim 1, wherein said substrate is an active core for containing lansoprazole.

24. (Withdrawn) The composition of claim 23, wherein said active core is selected from the group consisting of a pellet, a bead and a tablet.

25. (Withdrawn) A stable composition for lansoprazole, the composition comprising:

(a) a substrate, said substrate comprising lansoprazole or a pharmaceutically suitable salt thereof;

(b) a subcoating layer for coating said substrate, said subcoating layer consisting essentially of an alkaline agent, a cellulosic polymer, a filler, a surfactant and a solvent; and

(c) an enteric coating material layered over said subcoating layer.

26. (Previously presented) A method for administering a therapeutically effective amount of lansoprazole as sole active ingredient to a subject comprising:

administering orally to the subject a stable composition for lansoprazole comprising:

(a) a substrate, said substrate comprising lansoprazole or a pharmaceutically suitable salt thereof, wherein said substrate is characterized in that said substrate does not include an alkaline agent,

(b) a subcoating layer for coating said substrate, said subcoating layer consisting essentially sodium stearate, a cellulosic polymer selected from the group consisting of hydroxypropyl methylcellulose (HPMC), ethylcellulose and hydroxypropyl cellulose (HPC), or a mixture thereof, a filler, a

surfactant selected from the group consisting of polysorbate 80 and sodium lauryl sulfate, and a solvent; and

(c) an enteric coating material layered over said subcoating layer.

27. (Previously presented) A method for administering a therapeutically effective amount of lansoprazole to a subject comprising:
administering orally to the subject a stable composition for lansoprazole comprising:

(a) a substrate, said substrate comprising lansoprazole or a pharmaceutically suitable salt thereof as sole active ingredient, wherein said substrate is characterized in that said substrate does not include an alkaline agent;

(b) a subcoating layer for coating said substrate, said subcoating layer comprising an alkaline agent comprising sodium stearate; and

(c) an enteric coating material layered over said subcoating layer.

28. (Original) The method of claim 27, wherein lansoprazole comprises lansoprazole base.

29. (Previously presented) The method of claim 27, wherein said substrate features:

- (i) a neutral core; and
 - (ii) an active coating containing lansoprazole, said active coating being layered over said neutral core;
- such that the composition is in a form of a pellet.

30. (Original) The method of claim 29, wherein said neutral core comprises a non pareil.

31. (Original) The method of claim 30, wherein said non-pareil has a range in a size of from about 300 to about 1000 microns.

32. (Previously presented) The method of claim 29, wherein said active coating includes at least one cellulosic polymer selected from the group consisting of hydroxypropyl methylcellulose (HPMC) and hydroxypropyl cellulose (HPC), or a mixture thereof.

33. (Canceled)

34. (Previously presented) The method of claim 29, wherein said active coating comprises at least one surfactant selected from the group consisting of ~~Tween~~ polysorbate 80 ~~or~~ and sodium laurel sulfate.

35. (Canceled)

36. (Previously presented) The method of claim 29, wherein said active coating further comprises at least one filler.

37. (Previously presented) The method of claim 36, wherein said at least one filler comprises lactose monohydrate.

38. (Previously presented) The method of claim 29, wherein said active coating further comprises an aqueous solvent.

39. (Previously presented) The method of claim 27, wherein said alkaline agent in said subcoating layer comprises an organic basic salt.

40. (Previously presented) The method of claim 39, wherein said organic basic salt comprises sodium stearate.

41. (Previously presented) The method of claim 27, wherein said alkaline agent in said subcoating layer comprises an inorganic basic salt.

42. (Previously presented) The method of claim 27, wherein said subcoating layer includes at least one cellulosic polymer selected from the group consisting of hydroxypropyl methylcellulose (HPMC), ethylcellulose and hydroxypropyl cellulose (HPC), or a mixture thereof.

43. (Canceled)

44. (Previously presented) The method of claim 27, wherein said subcoating layer comprises at least one surfactant selected from the group

consisting of polysorbate 80 and sodium lauryl sulfate.

45. (Canceled)

46. (Previously presented) The method of claim 27, wherein said enteric coating material includes at least one enteric material selected from the group consisting of hydroxypropyl methylcellulose acetate succinate, polyvinyl acetate phthalate, cellulose acetate phthalate, cellulose acetate trimellitate, polymethacrylic acid methyl methacrylate and polymethacrylic acid ethyl methacrylate.

47. (Previously presented) The method of claim 27, wherein said enteric coating material further comprises a plasticizer selected from the group consisting of a citric acid ester and a phthalic acid ester.

48. (Canceled)

49. (Original) The method of claim 27, wherein said substrate is an active core for containing lansoprazole.

50. (Original) The method of claim 49, wherein said active core is selected from the group consisting of a pellet, a bead and a tablet.

51. (Withdrawn) A stable composition for lansoprazole, the composition comprising:

- (a) a neutral core; and
 - (b) an active coating containing lansoprazole base, said active coating being layered over said neutral core to form a coated core;
 - (c) a subcoating layer for coating said coated core, said subcoating layer comprising an alkaline agent; and
 - (d) an enteric coating material layered over said subcoating layer;
- wherein said active coating is characterized in that said active coating does not include an alkaline agent and such that the composition is in a form of a pellet.

52. (Withdrawn) The composition of claim 2, wherein said neutral core has a size in a range of from about 80 to about 1000 microns.

53. (Withdrawn) A stable composition for Lansoprazole, the composition comprising:

- (a) a substrate, said substrate comprising lansoprazole or a pharmaceutically suitable salt thereof;
- (b) a subcoating layer comprising an alkaline agent;
- (c) an enteric coating material layered over said subcoating layer to form enteric coated pellets;

wherein said enteric coated pellets are compressed into a tablet dosage form.

54. (Withdrawn) The composition of claim 53, wherein said substrate features:

- i) a neutral core; and
- ii) an active coating containing lansoprazole, said active coating being layered over said neutral core;

such that the composition is in a form of a pellet.

55. (Withdrawn) The composition of claim 54, wherein said neutral core has a size in a range of from about 80 to about 500 microns.

56. (Withdrawn) The composition of claim 55, wherein said size is in a range of from about 200 to about 300 microns.

57. (Withdrawn) The composition of claim 53, wherein said enteric coating does not include a plasticizer.

58. (Previously presented) A method for administering a therapeutically effective amount of lansoprazole to a subject comprising:

administering orally to the subject a stable composition for lansoprazole comprising:

(a) a substrate, said substrate comprising an active core containing lansoprazole or a pharmaceutically suitable salt thereof as sole active ingredient and a surfactant, wherein said substrate is characterized in that said substrate does not include an alkaline agent;

- (b) a subcoating layer for coating said substrate, said subcoating layer comprising an alkaline agent comprising sodium stearate; and
- (c) an enteric coating material layered over said subcoating layer.

59. (Previously presented) A method for administering a therapeutically effective amount of lansoprazole to a subject comprising:
administering orally to the subject a stable composition for lansoprazole comprising:

- (a) a substrate, said substrate comprising
 - i) a neutral core; and
 - ii) an active coating containing lansoprazole or a pharmaceutically suitable salt thereof as sole active ingredient and a surfactant, said active coating being layered over said neutral core, wherein said substrate is characterized in that said substrate does not include an alkaline agent;
- (b) a subcoating layer for coating said substrate, said subcoating layer comprising an alkaline agent comprising sodium stearate; and
- (c) an enteric coating material layered over said subcoating layer.

Application Serial No.: _10/575,809_____
Appeal Brief dated ___19-June-2010_____
Reply to Office Action of ___ 19 April 2010_____
Page 36 of 36

EVIDENCE APPENDIX

See attached sheets from US Pharmacopeia, previously submitted with the amendment of September 12 2009 which was entered by the Examiner.

RELATED PROCEEDINGS APPENDIX

None

CERTIFICATE OF SERVICE

None